IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.21853 of 2008

SUNIL KUMAR @ SUNIL MAHTON
Versus
STATE OF BIHAR

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3. 4.8.2008 A supplementary affidavit has been filed on behalf of the petitioner.

Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Ashthawan P.S. Case No.20 of 2008 for the alleged offences registered under section 7 of the Essential Commodities Act.

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It is submitted on behalf of the petitioner that on perusal of the F.I.R., it would appear that there is no allegation against this petitioner. The specific allegation is against Murari Mukhiya from whose house the alleged wheat were recovered. There is also a report of the police submitted before the Chief Judicial Magistrate, as contained in Annexure 5, from which it would appear that the allegation of keeping the wheat for black-marketing is not substantiated.

The learned APP submits that during

investigation it has come that this petitioner does his business from the house of Murari Mukhiya.

Considering the submissions, as noticed above, it is directed that the petitioner Sunil Kumar @ Sunil Mahton, in the event of his arrest or surrender in connection with Asthawa P.S. Case No.20 of 2008 within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**